

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In Re: Platinum And Palladium Commodities  
Litigation*

This Document Relates To:

Platinum/Palladium Physical Action

MASTER FILE  
No. 10 Civ. 3617 (WHP)

**Notice of Motion for Preliminary  
Approval of Class Action Settlement**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, the declaration of John Lowther, Esq., and the Stipulation and Agreement of Settlement (“Settlement”), Physical Plaintiffs, by and through their undersigned counsel, will respectfully move this Court, before the Honorable William H. Pauley, III, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, on such day and at a time designated by the Court, for the entry of the [Proposed] Scheduling Order that, among other things: (1) finds the Settlement to be sufficiently fair, reasonable, and adequate to warrant dissemination of notice to the Class; (2) certifies the Class for settlement purposes; (3) appoints Doyle Lowther LLP as Class Counsel for the Physical Plaintiffs; (4) finds the program of notice to be the best practicable under the circumstances; (5) approves the form(s) of the published notice of the Settlement; and (6) sets a schedule leading to the Court’s consideration of final approval of the Settlement, including the date, time and place for a hearing to consider the fairness, reasonableness and adequacy of the settlement.

Dated: September 18, 2013

Respectfully submitted,

/s/ John Lowther  
John Lowther

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***Lead Counsel for Physical Plaintiffs and the Class***